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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Review of the Commission's Rules )  
regarding the main studio and )  
local public inspection files of )  
broadcast television and radio )  
stations )  
 )  
 )  
47 C.F.R. §§73.1125, )  
73.3526 AND 73.3527 )

MM Docket No. 97-138

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Commission

**COMMENTS ON NOTICE  
OF PROPOSED RULEMAKING**

Coltre Broadcasting, Inc. ("Coltre"), by its attorneys, hereby submits its Comments on the Notice of Proposed Rule Making ("NPR") in the above-captioned matter. Coltre supports the Commission's proposal to amend its main studio rule to provide greater flexibility to lower power stations, but submits that the relief to be offered by the new regulation should not be limited to a lower power station which is licensed to the same community as a higher power station. As explained below, a lower power station in a rural community also should be given such flexibility even if it is the only station licensed to its community, when its city grade contour covers the nearby community of license of a higher power station.

Coltre is licensee of Class A FM station WFUN-FM, which is the only station licensed to Bethalto, Illinois. Like many rural stations, WFUN-FM operates with a maximum power

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of 6.0 kilowatts, while every other class of FM station serving the same area is authorized to operate with significantly higher power and therefore has an appreciably larger "city grade" (70 dbu) service contour than does WFUN-FM. Accordingly, those other FM stations presently have, as well, far greater flexibility as to the locations of their main studios.

Coltre agrees with Commission where, at Paragraph 7 of the NPR, it recognizes that the existing main studio rule is fundamentally inequitable "because higher power stations necessarily have a much larger area in which to locate their main studios than lower power stations." Coltre submits that the present rule is illogical, as well. If the main studio of a higher power station is "accessible to the community of license" (NPR, Paragraph 4), another station's studio located an equal distance from the community must be deemed equally accessible, regardless of the operating power of the second station. Accessibility, not operating power, is the central component of the Commission's main studio regulations.<sup>1</sup> The Commission's proposal to amend its rules to permit two stations licensed to the same community to locate their respective main studios within a comparable area therefore would help make its main studio rule both more equitable and more logical.

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<sup>1</sup>Coltre also agrees with the Commission that greater flexibility is warranted in view of the facts that the role of the main studio in the production of programming has greatly diminished over the years, while community residents typically communicate with stations by telephone or mail (or, more recently, via facsimile) rather than by visiting the studio in person. The growth of modern highways has reduced the time and inconvenience of travel to a studio in those rare instances when a local resident may wish to visit the station. See NPR at Paragraph 5.

Coltre submits, however, that the Commission's proposal falls short to the extent that it would confine the flexibility offered by the new rule to low power stations which happen to be licensed to the same community as a higher power station. Such a rule would inequitably and illogically exclude lower power stations in rural areas, where there may be only one station licensed to a community, although higher power stations may be licensed to a nearby community and serve much the same local population.

WFUN-FM's own situation amply demonstrates the problem. It is the only station licensed to Bethalto, Illinois, although it serves areas in common with Station KNJZ(FM), another, more powerful 50 kilowatt station licensed to the neighboring community of Alton, Illinois. Alton is located less than five miles to the west of Bethalto on State Route 111/140, a four-lane divided highway. Clearly, if residents of Alton can visit a KNJZ(FM) main studio located within that station's city grade contour, residents of Bethalto would find a main studio maintained within that area by WFUN-FM to be equally accessible. That WFUN-FM is licensed to Bethalto while KNJZ is licensed to Alton simply does not affect the accessibility of their studios to residents of those neighboring communities. The rationale underlying the proposed revision as set forth in the NPR applies with equal force to WFUN-FM's situation, although there is not a second higher power station licensed to Bethalto, itself.

Moreover, a second, lower power station, viz., WBGZ(AM) operating with 1 kilowatt, is licensed to Alton. It certainly would be neither equitable nor logical for WBGZ to obtain the flexibility contemplated by the NPR while WFUN-FM is denied such flexibility. Rather, the Commission should recognize that rural communities often have but one licensed station and provide such stations with flexibility when they

operate in proximity to higher power stations, even if such higher power stations happen to be licensed to different, nearby communities.

In this regard, it also should be noted that while larger communities are likely to have multiple stations, a station licensed to such a community (or to an adjacent suburban community) generally has less need to locate its main studios outside of that significant business and population center. The need for flexibility is greater for smaller rural stations. Furthermore, residents of smaller rural communities are more likely to travel for shopping, entertainment, and employment, so that driving to a main studio lying beyond the city-grade contour of a small local station (but within the city-grade contour of a higher power station licensed to a nearby community) would not be particularly uncommon or burdensome -- and certainly no more burdensome than the drive between the second community and the main studio of that community's higher power facility.

A more equitable and more logical approach, therefore, would be to slightly expand the applicability of the proposed rule to provide flexibility to the lower power rural stations which are most in need of it. This may be accomplished simply by enabling a lower power station to locate its main studio within the area defined by its own city-grade contour or the city-grade contour of another, higher-power station which is licensed to a community covered by the lower power station's city-grade contour.<sup>2</sup>

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<sup>2</sup>In the case of Class A station, the second community would have to lie within ten miles of the lower power station's transmitter site, a distance which would not present a significant additional burden to residents of the Class A station's community of license who might wish to visit the station's studios.

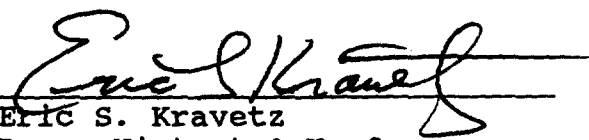
In this fashion, the basic principle underlying the rule proposed in the NPR would be maintained, while lower power stations which are the only stations licensed to their rural communities would be given comparable flexibility, as well. Failure to expand the proposed rule in this respect would mean that the main studio rule would continue to "place disproportionate burdens on owners of smaller stations,"<sup>3</sup> such as Coltre, which would be denied the new flexibility granted to licensees in larger markets.

For the above reasons, the Commission should adopt the revised main studio rule set forth in the NPR modified as proposed above.

Respectfully submitted

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<sup>3</sup>NPR, Paragraph 9.